

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

MICHAEL C. ROBERSON, #02167695

§

VS.

§

CIVIL ACTION NO. 6:20cv188

NORRIS JACKSON, ET AL.

§

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Michael C. Roberson, a prisoner confined at the Allred Unit within the Texas Department of Criminal Justice (TDCJ), proceeding *pro se* and *in forma pauperis*, filed this civil rights lawsuit complaining of alleged violations of his constitutional rights. The case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On November 19, 2021, Judge Mitchell issued a Report (Docket No. 137) recommending that Plaintiff's motions for default judgment (Docket Nos. 115, 123), as well as his motion for judgment on the pleadings (Docket No. 96), be denied. A copy of this Report was sent to Plaintiff at his last-known address. To date, however, no objections to the Report have been filed.

The Court reviews the findings and conclusions of the Magistrate Judge *de novo* only if a party objects within fourteen days of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a *de novo* review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten days to fourteen days).


Here, Plaintiff has not filed objections. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews her legal conclusions to determine

whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.>").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 137) as the findings of this Court. Therefore, it is

ORDERED that Plaintiff's motions for default judgment (Docket Nos. 115, 123) and Plaintiff's motion for judgment on the pleadings (Docket No. 96) are **DENIED**.

So **ORDERED** and **SIGNED** this **28th** day of **December, 2021**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE